

REMARKS

Claims 32-40 were pending in the present application. By virtue of this response, claims 32, 33, and 40 have been canceled, and claims 34-39 have been amended. Accordingly, claims 34-39 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. A Request for Continued Examination accompanies this amendment.

Double-Patenting Rejection

I. Claims 32 and 40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6 and 7 of US Patent No. 6,730,293.

Claims 32 and 40 have been canceled, and accordingly this rejection is moot. Withdrawal of the rejection is respectfully requested.

II. Claims 32 and 40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 106, and 116-121 of US Patent No. 6,593,292.

Claims 32 and 40 have been canceled, and accordingly this rejection is moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103(a)

Claims 32, 33 and 40 stand rejected as being allegedly unpatentable over Katz et al. (US Patent No. 5,716,614).

Claims 32, 33, and 40 have been canceled, and accordingly this rejection is moot. Withdrawal of the rejection is respectfully requested.

Objections to Claims

Claims 34-39 stand objected to because they are allegedly dependent upon a rejected claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response, Applicants have rewritten claims 34-39 to incorporate all limitations from claim 32. Claims 35-39 were dependent only from claim 32. Claim 34 was dependent from intervening claim 33, which in turn depended from claim 32. As claim 33 recited a Markush group (antiviral agents, antibacterial agents, antifungal agents, antiproliferative agents, immunosuppressive agents, vitamins, analgesic agents and hormones) and claim 34 is limited to only one member of that Markush group (an antiviral agent), the limitations from intervening claim 33 are already present in claim 34 in a narrower form.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

578562001600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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